



The Commonwealth of Massachusetts

Office of Campaign & Political Finance

One Ashburton Place, Boston 02108

727-8352

Dennis J. Duffin
Director

March 24, 1988

AO-88-08

John S. Dale, Esquire
P.O. Box 984
149 Main Street
Hyannis, MA 02601

Dear Mr. Dale:

This letter is in response to your recent request for an advisory opinion concerning the application of M.G.L. c.55 to the political activities of Sarah MacRobbie, a state employee presently working for the Cape and Islands District Attorney.

Section 13 of Chapter 55 states, "No person employed for compensation, other than an elected officer, by the commonwealth or any county, city or town shall directly or indirectly solicit or receive any gift, payment, contribution, assessment, subscription or promise of money or other thing of value for the political campaign purposes of any candidate for public office or of any political committee or for any political purpose whatever." Because Ms. MacRobbie is a person employed for compensation by the commonwealth, she is prohibited from directly or indirectly soliciting or receiving contributions for any political purpose, including her own candidacy for public office. However, the campaign finance law permits her to have a political committee which may solicit and receive funds on her behalf.

In the opinion of this office, the use of Ms. MacRobbie's name in the letter head of a solicitation letter, appearing as "Committee to Elect Sarah MacRobbie," or in a similar fashion, would not be a solicitation by her but by her political committee. The use of her name in the letterhead in such a fashion would be permitted. Furthermore, the committee would not be prohibited from mentioning her name in the letter, provided it is not used in any way which would suggest a solicitation by her.

Please note that while a political committee organized on behalf of a public employee candidate may solicit and receive funds, it may not do so "from any person or combination of persons if such person so employed knows or has reason to know that the person or combination of persons has an interest in any particular matter in which the person so employed participates or has participated in the course of such employment or which is the subject of his official responsibility." In the course of soliciting contributions, Ms. MacRobbie's political committee is subject to this limitation.

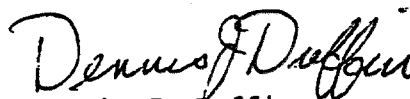
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Ms. MacRobbie, while in the employ of the commonwealth, may not solicit contributions directly or indirectly, in person or in writing. If, however, she were to take an unpaid leave of absence of four months or more, she would not be considered to be employed for compensation by this office and therefore not subject to the prohibitions of section 13 of M.G.L. c.55.

This opinion has been rendered solely on the basis of representations made in your letter, and solely in the context of M.G.L. c.55. Other statutes and regulations, such as M.G.L. c.268, §9A, may also be applicable to Ms. MacRobbie's activities.

Please do not hesitate to contact this office should you have additional questions.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Dennis J. Duffin". The signature is written in a cursive, flowing style with a large initial "D".

Dennis J. Duffin
Director

DJD/ba